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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 RAYMOND SAMUEL SAUNDERS,
15 Plaintiff,
16 vs.
17 SAN FRANCISCO SHERIFF'S DEPT.,
18 Defendant.

Case No. CV-11-6322 (WHO)

**DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S LATE DECLARATION**

Hearing Date: August 20, 2014
Time: 2:00 pm
Place: Courtroom 2 – 17th Floor
Trial Date: April 27, 2015

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21 Defendants request that the Court strike plaintiff's untimely declaration. Plaintiff's opposition
22 papers and supporting evidence were due on July 25, 2014. N.D. Cal. Civil L.R. 7-3(a). Plaintiff filed
23 his declaration on August 13, 2014, almost 19 days late. (Dkt. No. 47.)

24 Defendants reply brief – filed on August 1, 2014 – foreclosed the filing of supplemental
25 materials without leave of the Court. N.D. Cal. Civil L.R. 7-3(d). Plaintiff did not seek such leave.
26 Plaintiff did not make a concurrent request for such leave. Plaintiff did not make a showing of
27 excusable neglect. And finally, plaintiff did not seek a stipulation from defendants. Plaintiff just filed

1 a declaration more than two weeks late and after defendants filed their reply. As the filing disregards
2 the rules of civil litigation, the Court should strike it.

3

4 August 18, 2014

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11 By: /s/ Newton Oldfather
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